

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

KRISTY LAW, QUINCY BULLARD,)	
JOHN HALL, FRANCES PERRY, and)	
RITA LEE on behalf of)	
themselves and all similarly)	
situated,)	
)	
Plaintiffs,)	
)	
v.)	Civil No. 3:05-0836
)	Judge Echols
AMERICAN CAPITAL STRATEGIES,)	
LTD.,)	
)	
Defendant.)	

ORDER

For the reasons set forth in the Memorandum issued contemporaneously herewith, the Court hereby rules as follows:

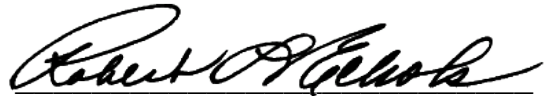
(1) American Capital's Motion to Strike (Docket Entry No. 121) is hereby DENIED;

(2) Plaintiffs' Motion for Partial Summary Judgment (Docket Entry No. 123) is hereby GRANTED IN PART and DENIED IN PART. The Motion is GRANTED with respect to American Capital's Faltering Company, Liquidating Fiduciary, Indispensable Party and Mitigation "Affirmative Defenses." The Motion is DENIED with respect to American Capital's Unforeseen Business Circumstances and Good Faith "Affirmative Defenses."

(3) American Capital's Motion for Summary Judgment (Docket Entry No. 115) is hereby DENIED.

The bench trial will commence on February 6, 2007, as previously scheduled.

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written over a horizontal line.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE